

**AN ORDINANCE 101907**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

\* \* \* \* \*

**WHEREAS**, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lot 22, Block 34, NCB 9073 from "C-2" Commercial District to "C-2" (CD-Automotive Repair Shop) Commercial District with a Conditional Use for a Automotive Repair Shop.

**SECTION 2.** The City Council finds as follows:

- A. The conditional use will not be contrary to the public interest.
- B. The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E. The conditional use will not affect adversely the public health, safety and welfare.

**SECTION 3.** The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

- A. No more than 8 vehicles on site at any given time for repair or storage.
- B. Each vehicle limited to 2 months maximum for storage.
- C. No storage of junk vehicles.
- D. Vehicles must be licensed.
- E. No freestanding signage will be permitted.
- F. Dumpsters must be screened from public view.
- G. Lighting will be placed to direct the light away from adjoining properties and traffic.

**SECTION 4.** All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

**SECTION 5.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 6.** This ordinance shall become effective December 25, 2005.

**PASSED AND APPROVED** this 15<sup>th</sup> day of December, 2005.

M A Y O R

**ATTEST:**

City Clerk

**APPROVED AS TO FORM:**

  
City Attorney

# Agenda Voting Results

**Name:** Z-22.

**Date:** 12/15/05

**Time:** 05:16:55 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE #Z2005245 CD (District 10): An Ordinance changing the zoning boundary from "C-2" Commercial District to "C-2" (CD-Automotive Repair Shop) Commercial District with a Conditional Use for a Automotive Repair Shop on Lot 22, Block 34, NCB 9073, 1251 Austin Highway as requested by Richard Gomez, Applicant, for Richard Gomez, Owner(s). Staff and Zoning Commission have recommended approval with conditions: 1. No more than 8 vehicles on site at any given time for repair or storage. 2. Each vehicle limited to 2 months maximum for storage. 3. No storage of junk vehicles. 4. Vehicles must be licensed. 5. No freestanding signage will be permitted. 6. Dumpsters must be screened from public view. 7. Lighting will be placed to direct the light away from adjoining properties and traffic.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present	x		
SHEILA D. MCNEIL	DISTRICT 2				
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

# CASE NO: Z2005245 CD

## Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from November 1, 2005

**Date:** December 15, 2005

**Zoning Commission Meeting Date:** November 15, 2005

**Council District:** 10

**Ferguson Map:** 583 E3

**Applicant:**

Richard Gomez

**Owner:**

Richard Gomez

**Zoning Request:** From "C-2" Commercial District to "C-2" (CD-Automotive Repair Shop) Commercial District with a Conditional Use for a Automotive Repair Shop

Lot 22, Block 34, NCB 9073

**Property Location:** 1251 Austin Highway

North corner of Austin Highway and Seidel

**Proposal:** To expand existing automotive repair shop

**Neighborhood Association:** Terrell Heights Neighborhood Association and Wilshire Village Neighborhood Association (within 200 feet)

**Neighborhood Plan:** Northeast Inner Loop Neighborhood Plan

**TIA Statement:** A Traffic Impact Analysis is not required

**Staff Recommendation:**

Consistent.

The Northeast Inner Loop Neighborhood Plan identifies this site as Community Commercial. On November 1, 2005 the application was amended to a "C-2" (CD Automotive Repair Shop), therefore, an amendment to the neighborhood plan is not required.

The applicant amended his initial request of "C-3" General Commercial District to "C-2" (CD-Automotive Repair Shop) Commercial District with a Conditional Use for a Automotive Repair Shop to be consistent with the plan.

**Approval**

Consistent with the Northeast Inner Loop Community Plan. The subject property contains a small shopping plaza (Terrell Seidel Plaza) and vacant commercial building. The vacant commercial building is located on Austin Highway, a major thoroughfare. The subject property is adjacent to "C-3R" Restrictive General Commercial District to the northwest and northeast, with "C-3" General Commercial District across Seidel to the west. The applicant wishes to use the vacant commercial building for the expansion of an existing automotive repair shop located at 1253 Austin Highway. The zoning change would be appropriate with the following conditions 1. No more than 8 vehicles on site at any given time for repair or storage. 2. Each vehicle limited to 2 months maximum for storage. 3. No storage of junk vehicles. 4. Vehicles must be licensed. 5. No freestanding signage will be permitted. 6. Dumpsters must be screened from public view. 7. Lighting will be placed to direct the light away from adjoining properties and traffic.

**Zoning Commission Recommendation:**

Approval with conditions: 1. No more than 8 vehicles on site at any given time for repair or storage. 2. Each vehicle limited to 2 months maximum for storage. 3. No storage of junk vehicles. 4. Vehicles must be licensed. 5. No freestanding signage will be permitted. 6. Dumpsters must be screened from public view. 7. Lighting will be placed to direct the light away from adjoining properties and traffic.

**VOTE**

**FOR** 10

**AGAINST** 1

**ABSTAIN** 0

**RECUSAL** 0

**CASE MANAGER :** Pedro Vega 207-7980

**Z2005245 CD**

**ZONING CASE NO. Z2005245 CD -- November 15, 2005**

**Applicant: Richard Gomez**

**Zoning Request: "C-2" Commercial District to "C-2" (CD-Automotive Repair Shop)  
Commercial District with a Conditional use for an Automotive Repair Shop.**

Andy Guerrero, 3134 Renker, representing the owner, stated that at the November 1<sup>st</sup> Zoning Commission they amended their request to a "C-2 CD" for an Automotive Repair Shop and they have no objection to the conditions recommended by staff.

Staff stated there were 17 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no responses from the Terrell Heights Neighborhood Association and Wilshire Village Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

#### **FINDING OF CONSISTENCY OF THE MASTER PLAN**

#### **COMMISSION ACTION**

The motion was made by Commissioner Robbins and seconded by Commissioner McAden to find consistency with the neighborhood plan.

(A verbal vote was taken)

**AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Marshall, Sherrill, McAden, Avila, Stribling, Gray**

**NAYS: None**

#### **THE MOTION CARRIED.**

#### **COMMISSION ACTION**

The motion was made by Commissioner Robbins and seconded by Commissioner Marshall to recommend approval per staff recommendation with conditions.

1. Property is located on Lot 22, Block 34, NCB 9073 at 1251 Austin Highway.
2. There were 17 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Marshall, Sherrill, McAden, Avila, Stribling, Gray**

**NAYS: None**

#### **THE MOTION CARRIED.**

**Z2005245 CD**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.

